

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MEREDITH BEAGLE, JORDAN GUERRERO,
and SOFAUNA JOHNSON on Behalf of
Themselves and All Others Similarly Situated,

Plaintiffs,

v.

AMAZON.COM, INC. and AMAZON.COM
SERVICES LLC,

Defendants.

No. 2:24-cv-00316-JLR

**STIPULATED AND ~~[PROPOSED]~~
ORDER FOR STAY, FILING OF
AMENDED COMPLAINT, AND
SCHEDULE FOR ANSWER OR
MOTION TO DISMISS**

NOTE ON MOTION CALENDAR:
NOVEMBER 4, 2024

STIPULATED MOTION

Pursuant to Local Civil Rules 10(g) and Federal Rule of Civil Procedure 6, the Parties having conferred about additional information requested by Plaintiffs, stipulate and agree, subject to the Court approval, as follows:

WHEREAS, Plaintiffs filed their Second Amended Complaint, (“SAC”), Dkt. 56, on October 21, 2024, asserting claims against Amazon.com, Inc., and Amazon.com Services LLC (collectively “Amazon”) under the Video Privacy Protection Act, 18 U.S.C. § 2710 and California Civil Code § 1799.3. *Id.* ¶¶ 150–166.

WHEREAS, prior to filing the SAC, Plaintiff Sofauna Johnson alleges that she submitted multiple data requests to Amazon pursuant to Cal. Civ. Code § 1798.110 *et seq.* See SAC ¶¶ 97–106. Johnson alleges that she submitted her first data request on July 10, 2024, through

STIPULATION AND ~~[PROPOSED]~~ ORDER FOR
SETTING DEADLINES- 1
(2:24-cv-00316-JLR)

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Amazon's "Request Your Data" webpage. *Id.* ¶ 98. Amazon asserts that its records show that Johnson's July 10, 2024 request was incomplete because it sought only Johnson's subscription data, and that Amazon complied with that request by providing Johnson this data.

WHEREAS, Johnson alleges she then submitted a second data request on October 3, 2024, by emailing Amazon a request seeking data under Cal. Civ. Code § 1798.110 and § 1798.115(c). *Id.* ¶ 103. In the SAC, Johnson alleges that Amazon has yet to fully respond to Johnson's second request and that Amazon's failure to respond supports a reasonable inference in Plaintiffs' favor that Johnson's data was disclosed in violation of the VPPA. *Id.* ¶ 106. Amazon denies these allegations.

WHEREAS, Cal. Civ. Code § 1798.130(a)(2)(A) establishes a 45-day deadline for businesses to respond to consumer requests under Cal. Civ. Code § 1798.110 *et seq.* Accordingly, Amazon has until November 18, 2024, to respond to Johnson's October 3, 2024 request.

WHEREAS, recognizing that Amazon's time to respond Johnson's October 3, 2024 data request has not expired, and that a further response might affect Plaintiff's allegations in the SAC, counsel for Amazon met and conferred with Plaintiffs' counsel (i) to clarify the issues surrounding Johnson's second data request and Amazon's forthcoming response, and (ii) the possibility of an amendment by Plaintiffs based on Amazon's response. Having met and conferred, counsel for Plaintiffs and Amazon have agreed, subject to the approval of the Court, to stay Amazon's deadline to respond to Plaintiffs' SAC and to allow Plaintiffs leave to file a third amended complaint after receiving and reviewing Amazon's response to Johnson's second data request. Counsel for Plaintiffs and Amazon further agree that a stay is appropriate here because: (1) no damage or prejudice to either party will result from a stay; and (2) staying Amazon's deadline to respond so that Plaintiffs can file an third amended complaint will help simplify the issues and questions of law in this case. *See CMAC, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962) (in determining whether to grant a stay, courts consider "possible damage which may result from the granting of stay, the hardship or inequity which a party may suffer in being

1 required to go forward, and the orderly course of justice measured in terms of the simplifying or
2 complicating of issues, proof, and questions of law which could be expected to result from a
3 stay.”).

4 NOW THEREFORE, subject to the approval of the Court, the Parties hereby agree as
5 follows:

6 1. Amazon’s time to respond to Plaintiffs’ Second Amended Complaint shall be
7 stayed and Amazon shall not be required to answer or move with respect to the presently filed
8 Second Amended Complaint at this time.

9 2. Plaintiffs will have until December 9, 2024, to file a Third Amended Complaint
10 based upon additional information received by Plaintiffs from Amazon, should they chose to do
11 so, or designate the previously filed Second Amended Complaint as the operative complaint.

12 3. Amazon shall file their dispositive motion to the operative pleading on or before
13 January 17, 2025.

14 4. Plaintiffs shall file their opposition to any dispositive motion on or before
15 February 14, 2025.

16 5. Amazon’s reply to any opposition shall be due by February 28, 2025.

17
18 The Parties have previously sought and obtained one prior extension of time in this
19 matter. The only deadlines or case event dates that will be impacted by this stipulated extension
20 concern the deadlines for Amazon to respond to Plaintiffs’ Second Amended Complaint and any
21 associated briefing schedule for any motion to dismiss.

22
23 IT IS SO STIPULATED.

24 DATED this 4 November, 2024.

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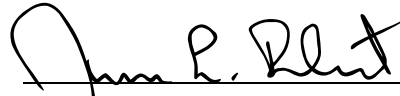
1 *Counsel for Plaintiffs Meredith Beagle*
2 *and Jordan Guerrero*

[PROPOSED] ORDER

Pursuant to the Parties' above stipulated motion, the Court Orders that:

- Amazon's deadline to respond to Plaintiffs' Second Amended Complaint is stayed;
- Plaintiffs are granted leave to file a third amended complaint by December 9, 2024,
- Amazon's deadline to respond to Plaintiffs' amended complaint is extended to January 17, 2025;
- Plaintiffs' response to any motion to dismiss the amended complaint is extended to February 14, 2025, and Amazon's reply in support is extended to February 28, 2025.

IT IS SO ORDERED this 4th day of November, 2024.



The Honorable James L. Robart
UNITED STATES DISTRICT JUDGE